

REMARKS

Applicants have thoroughly considered the Examiner's remarks in the February 14, 2007 final Office action and respectfully request further examination in light of the following remarks. Claims 1, 2, 7-26, 44, 45, 48, and 54 have been amended and are presented for further examination.

As a preliminary matter, Applicants again request that the Examiner review and formally accept the drawings filed July 18, 2003.

Claim Rejections under 35 U.S.C. § 102(e)

Reconsideration of the rejection of claims 1, 2, 7-26, 44, 45, 48, and 54 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application No. 2005/0203992 (Tanaka et al.) is respectfully requested.

Claims 1, 44, and 54

Claim 1 is directed to a method for retrieving property metadata for a media file accessible via a media player. As explained in the present application, such property data provide a contextual experience for each media as it is accessed by the client. See Application, paragraph [0029]. Claim 1 recites, among other elements, a three-part query: a) **“determining whether an identification parameter is stored on said media player;”** b) **“determining whether property data is stored on said media player;”** and c) **“determining whether an artist ID is a known various artists value on said media player wherein the known various artists value indicates the media file is associated with a compilation of artists.”** Responsive to the queries, claim 1 recites **“caching the received property data with a collection ID in response to the identification parameter being stored on the media player, the property data being stored on the media player, and the artist ID being a known various artists value on the media player.”** None of the references, taken individually or in combination, discloses or suggests this novel combination of elements.

To anticipate a claim, each and every element of the claim must be found, either expressly or inherently described, in a single prior art reference. (M.P.E.P. § 2131). As argued previously, Tanaka et al. fail to disclose such a method comprising a combination

of three queries to determine when to cache the received property data with a collection ID and when to use previously stored data. By including the query element of determining whether an artist ID is a known various artists value on the media player, the method ensures that received property data, rather than the stored data, is cached when it is determined that an artist ID is a known various artists value. This ensures that the method compensates for a data source (e.g., a CD) comprising a group of media files from different artists by retrieving the data from the server, rather than utilizing the property data stored on the media player, which may not necessarily be associated with the multiple artists.

The Office also asserts that Tanaka's checking for individual artists in a group of media items is a teaching for "caching received property data when the determination indicates that an artist ID is a known various artists value on a media player." But this teaching is clearly not provided by Tanaka, and making such a connection is not proper. Again, Fig. 18 of Tanaka et al. is simply an explanatory diagram showing a typical display of a song list with multiple artists. This is not the same as a piece of media (e.g., a CD) containing a compilation of media files by various artists. Applicants concede that a combination of songs by many artists is well known and that listing such a combination of songs is well known. But this teaching for a song list comprising different artists is not applicable here. In contrast, what is not well known and not taught by Tanaka et al. is the **determining whether an artist ID is a known various artists value on a media player for determining whether to cache received property data**. The claimed determination is directed to addressing the unique data management issues associated with artist compilations. A mere reference in Tanaka et al. to a group of songs by different artists cannot constitute a teaching of the present claim. Without a teaching for this claim's element, Tanaka et al. cannot anticipate claim 1.

In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 1. Claims 2 and 7-19, which depend directly or indirectly from claim 1, are submitted as patentable for the same reasons as set forth above with respect to claim 1.

Claims 44 and 54 include similar elements and are submitted as patentable for the same reasons as amended claim 1.

If the Office maintains the rejection of the present claim, Applicants request the courtesy of a phone call to the undersigned at (314) 231-5400.

Claim 20

Claim 20 involves a method for retrieving metadata for a media file. In this instance, the claim recites first examining the media player for an identification parameter associated with media file. If a first identification parameter is not already stored on the player, the claimed method requires “**submitting, to a server, a second identification parameter associated with the accessed media file, said submitting in response to the first identification parameter not being stored on the media player wherein property data is received in response to the submission of the second identification parameter.**” On the other hand, if the first identification parameter is stored on the media player, the method requires determining whether property data is stored on the media player. As part of this determination, claim 20 recites “**determining whether an artist ID is a known various artists value on the media player, said known various artists value indicates the media file is associated with a compilation of artists, said determining in response to property data being stored on the media player**” and “**submitting, to a server, a second identification parameter associated with the accessed media file**” when the artist ID is a known various artists value and “**rendering, on the media player, the property data**” when the artist ID is not a known various artists value. None of the references, taken individually or in combination, discloses or suggests this novel combination of elements.

Here, the prior art fails to teach or suggest at least one of the elements of claim 20. For example, Tanaka et al. fail to teach or suggest **determining whether an artist ID is a known various artists value on the media player, said known various artists value indicates the media file is associated with a compilation of artists, said determining in response to property data being stored on the media player**. As discussed above with respect to claim 1, Tanaka et al. provide no teaching related to determining whether an artist ID is a known various artists value. The Office cites to Fig. 18 and paragraph [0341] as support for its anticipation rejection. As discussed above, Fig. 18 of Tanaka et al. is merely an explanatory diagram showing a typical display of a

song list with multiple artists, and such a combination of songs by many artists is well known. Moreover, paragraph [0341] of Tanaka et al. teaches how to construct a music purchase user interface whereby particular songs are blocked from purchase if they are already owned by the user. Such a teaching is inapplicable to determining whether an artist ID is a known various artists value. Thus, there is no teaching or suggestion for this element, and Tanaka et al. cannot anticipate claim 20.

Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 20. Claims 21-26, which depend directly or indirectly from claim 20, are submitted as patentable for the same reasons as set forth above with respect to claim 20.

If the Office maintains the rejection of the present claim, Applicants request the courtesy of a phone call to the undersigned at (314) 231-5400.

CONCLUSION

In view of the foregoing, favorable reconsideration and allowance of this application is requested.

Applicants have reviewed the cited but unapplied references and have found them to be no more pertinent than the art discussed above.

The Applicants wish to expedite prosecution of this application. If the Examiner deems the claims not in condition for allowance, the Examiner is invited and encouraged to telephone the undersigned to discuss making an Examiner's amendment to place the claims in condition for allowance.

Respectfully submitted,

/Robert M. Bain/

Robert M. Bain, Reg. No. 36,736
SENNIGER POWERS
One Metropolitan Square, 16th Floor
St. Louis, Missouri 63102
(314) 231-5400